

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SUNCO GROUP INC., :

Plaintiff, :

-against- :

EARTH BIOFUELS, INC., :

Defendant. :

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07 Civ. 4776 (WHP)

SCHEDULING ORDER

USDC SDNY
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WILLIAM H. PAULEY III, District Judge:

Counsel having appeared before the Court for an initial pre-trial conference on January 18, 2008, the following schedule is established on consent of the parties:

1. Defendant shall serve and file its motion to dismiss by February 1, 2008;
2. Plaintiff shall serve and file its opposition to the motion by February 15, 2008;
3. Defendant shall serve and file its reply by February 28, 2008;
4. Oral argument concerning the motion shall be held on March 7, 2008 at 10:15 a.m.
5. The parties shall complete all discovery by May 15, 2008;
6. The parties shall submit a joint pre-trial order in accord with this Court's Individual Practices by June 13, 2008; and
7. A final pre-trial conference shall be held on June 20, 2008 at 10:15 a.m.

Dated: January 22, 2008
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III

U.S.D.J.

Counsel of Record:

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